

Serial No. 10/759,523
60130-1987; 03MRA0008

REMARKS

Claims 17-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention. Paragraphs 23 and 28 of the specification have been amended to recite that the pad spring 124 has spring lugs 172, and that a portion of the pad spring 124 that engages a pad retainer 124 has a substantially curved cross-section. Support for these amendments are found in Figures 5 and 8.

Figures 5 and 8 have been amended to show reference number 171 (the rounded edges) and reference numeral 172 (the spring lugs). Figure 8 has been amended to show the width W2. Replacement figures are enclosed.

Claims 1 and 4-15 are rejected under 35 U.S.C. 103(a) as being obvious in view of EP 0 703 378 (the European Patent). The Examiner admits that the European Patent does not disclose that a lateral edge region of a part of a spring planar region adjacent to an outboard side of a brake caliper is rounded as claimed. The Examiner takes official notice that it is well known to round the edges of sheet metal elements to remove sharp edges, and it would be obvious to round the edges of the pad spring 26 of EP 0 703 378 to reduce the sharpness of the edges and increase safety. Applicant respectfully disagrees.

The claimed invention is not obvious. As shown in Figure 3 of the European Patent, the cross-section of the central portion 26 of the spring 18 is rectangular. Even if the edges of the central portion 26 of the spring 18 are rounded as the Examiner suggests, the rounded edges of the central portion 26 of the spring 18 would not provide any downwardly extending portion as claimed. The European reference also does not include any laterally extended lugs as claimed. As shown in Figure 3, the lateral edges of the central portion 26 of the spring 18 are straight. The European patent does not disclose, suggest or teach the claimed invention. The claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

Claims 16, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 703 378 and further in view of EP 0 744 559. Claims 16, 17 and 19 depend on patentable independent claim 1 and are allowable for the reasons set forth above. The claimed invention is not obvious because the European patent does not disclose, suggest or teach that the central portion 26 of the spring 18 has any downwardly extending portion or laterally extended lugs as

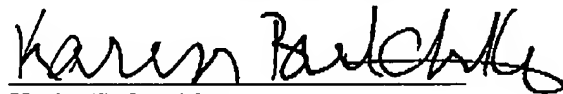
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claimed. The claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

Thus, claims 1 and 4-21 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

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Dated: March 15, 2006

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on March 15, 2006.


Amy M. Spaulding